IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

OP.No. 21052 of 1998(F)

PETITIONERS:
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1. PHILIP, SON OF XAVIER, BARMAN, AYSWARIA TOURIST HOME, FL3 LICENCE NO. 101/97-98, EDAPALLY, ERNAKULAM.

2. JOY JOSEPH, SON OF LATE SRI. N.V. JOSEPH, NEDUMKANDATHIL HOUSE, FL3 LICENSEE, AYSWARIA TOURIST HOME, EDAPALLY, ERNAKULAM.

BY ADV. SRI.RAJAN JOSEPH

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE EXCISE COMMISSIONER, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

3. THE ASST. EXCISE COMMISSIONER, ERNAKULAM.

4. THE EXCISE INSPECTOR, ERNAKULAM RANGE, ERNAKULAM.

5. KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING) CORPORATION LTD., THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR.

R1 TO R4 BY GOVERNMENT PLEADER SMT. SMITHA
R5 BY ADV. SRI.K.P.DANDAPANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 37127 OF 1998 IN OP 21052 OF 1998

DISMISSED

2.2.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF NOTICE DATED 1.7.1998 OF THE FOURTH RESPONDENT ISSUED TO THE FIRST PETITIONER.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 21052 OF 1998

Dated this the 2nd day of February, 2007

JUDGMENT

Since the issue raised is covered by the Division Bench decision of this Court in SUNIL V. STATE OF KERALA, (2006) 2 K.L.T. 851 in favour of the petitioner, O.P. is allowed quashing the complaint.

(C.N.RAMACHANDRAN NAIR)
Judge